UNITED NATIONS

E/NL. 1992/21-24
15 May 1992

SPANISH AND ENGLISH ONLY
ORIGINAL: SPANISH

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

SPAIN

Communicated by the Government of Spain

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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THE PRIME MINISTER'S CHANCELLERY

30339 ORDER of 10 December 1991 regulating the control of scheduled substances capable of diversion

Council Regulation (EEC) No. 3677/90 of 13 December 1990 (Official Journal of the European Communities No. L 357 of 20 December 1990) lays down a series of measures to prevent the diversion of certain substances into the illicit manufacture of narcotic drugs and psychotropic substances.

In articles 4 and 5 of that Regulation, the export of such substances is made subject to the granting of prior authorization by the competent authorities.

It is therefore necessary to implement the contents of the aforesaid articles in order to ensure adequate customs control, prevent the diversion of consignments of such substances, establish the formalities to be laid down for compliance therewith and acquaint commercial operators with those formalities.

With the approval of the Minister of Public Administration and as proposed by the Minister of Economic Affairs and Finance and the Minister of Industry, Trade and Tourism, I accordingly rule as follows:

One. Appointment of competent authority. For the purposes of the provisions laid down in articles 4, 5 and 6 of Council Regulation (EEC) No. 3677/90, the General Directorate for Customs and Special Levies is appointed as the competent authority.

Two. Export of scheduled substances in annex I.

1. Application: The export of scheduled substances listed in annex I hereto shall be subject to the granting of the corresponding export licence, which shall be issued by the General Directorate for Customs and Special Levies, at the request of the exporter, in accordance with the specimen appearing in annex II.

2. Submission of application: At least 15 working days prior to the date of presentation of the export declaration.

3. Place of submission: General Directorate for Customs and Special Levies, 137 Guzmán el Bueno, 28003-Madrid.

4. Application details:

Name, business name and address of exporter, importer, final consignee, customs agent and other operators;

Designation of the substance, as given in annex I;

Quantity and weight and, in the case of preparations not excluded under Council Regulation (EEC) No. 3677/90 of 13 December 1990, the quantity and weight of the substance or substances in annex I making them up;

Dispatch details: Clearing customs house, expected date of clearance, conveyance, route, point of exit from Community customs territory, point of entry into importing country and any other data.

5. Acknowledgement of receipt: Receipt of the application by the General Directorate for Customs and Special Levies shall be acknowledged immediately.

If the application is submitted directly to the Registration Office of the General Directorate for Customs and Special Levies, a copy of the application stamped by that Office shall serve as an acknowledgement of receipt.

6. Additional details: Any request by the General Directorate for Customs and Special Levies for further details shall automatically extend the 15-day period laid down by the Authorities for deciding on the application by as many days as elapse prior to receipt of the requested details.

7. Decision on the application filed:

7.1 The General Directorate for Customs and Special Levies shall pronounce its decision within 15 working days following receipt of the application.

7.2 If, in the opinion of the General Directorate for Customs and Special Levies, there are reasonable grounds for suspecting that any scheduled substance listed in annex I is intended for the illicit manufacture of narcotic drugs or psychotropic substances, the General Directorate for Customs and Special Levies shall not authorize its export.

Rejection of the application shall be made known to the parties concerned in the manner laid down in articles 79 and 80 of the Law of Administrative Procedure.

7.3 Acceptance of the application shall give rise to the issuance of a licence to export scheduled substances.

8. Licence to export scheduled substances:

8.1 The licence to export scheduled substances, as appearing in annex II hereto, shall be issued in the following copies:

1. One for the party concerned;
2. One for the clearing customs house;
3. One for the file.

8.2 The period of validity of the licence to export scheduled substances shall generally be three months, but without prejudice to the right of the General Directorate for Customs and Special Levies to fix a different period in the light of the characteristics of a particular transaction.

9. Export clearance: Prior to customs clearance, the copy of the licence to export scheduled substances that is intended for the clearing customs house shall be attached to the export clearance document.

10. Notification of the country of destination: Whenever a request is so made pursuant to article 12, paragraph 10, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted at Vienna on 19 December 1988 (Official Gazette of 10 November 1990), the information specified in point 4 above shall be forwarded by the General Directorate for Customs and Special Levies to the country of destination of the substances prior to their export.

A copy of the notification shall be sent to the Commission of the European Communities.

Three. Export of scheduled substances in annex III. If a country for which scheduled substances listed in annex III are directly or indirectly intended has informed the Commission of the European Communities of its wish to be notified in advance of any consignments of such substances, the export of those substances shall be subject to the requirements set out in Section Two above.

In application of the provisions of the preceding paragraph, the General Directorate for Customs and Special Levies shall publish a list of those countries that have requested advance notification.

Four. Prohibition on imports and exports. The General Directorate of Customs and Special Levies shall be empowered to prohibit the entry into or exit from Spain of any scheduled substances listed in annexes I and II if there are reasonable grounds for believing that such substances are intended for the illicit manufacture of narcotic drugs or psychotropic substances.

Any such prohibition shall be notified to the parties concerned in the manner laid down in articles 79 and 80 of the Law of Administrative Procedure.

Five. The General Directorate of Customs and Special Levies is authorized to issue such instructions as may be necessary for the implementation and enforcement of the provisions laid down herein.

Madrid, 10 December 1991.

ZAPATERO GOMEZ

To the Minister of Economic Affairs and Finance and the Minister of Industry, Trade and Tourism.

Annex I

Ephedrine (and its salts):	2939.40.00.0.
Ergometrine (and its salts):	2939.60.00.0.
Ergotamine (and its salts):	2939.60.00.0.
Lysergic acid (and its salts):	2939.60.00.0.
1-phenyl-2-propanone:	2914.30.00.0.
Pseudoephedrine (and its salts):	2939.40.00.0.

Notes:

1. Inorganic salts of these products.

2. If any consignment includes other products, this Order shall apply only to the substances named above.

Annex II

LICENCE TO EXPORT SCHEDULED SUBSTANCES

(...)

Annex III

Acetic anhydride:	2915.24.00.0.
Acetone:	2914.11.00.0.
Anthranilic acid (and its salts):	2922.49.90.1.
Ethyl ether:	2909.11.00.0.
Phenylacetic acid (and its salts):	2916.33.00.0.
Piperidine (and its salts):	2933.39.90.9.

Notes:

1. Inorganic salts of these products.

2. If any consignment includes other products, this Order shall apply only to the substances named above.

E/NL.1992/22

496 CIRCULAR 1029/1991 of 19 December 1991 concerning precursors, issued by the General Directorate for Customs and Special Levies

The Order of 10 December 1991 (Official Gazette of 19 December 1991) implemented in Spain articles 4, 5 and 6 of Council Regulation (EEC) No. 3677/90 of 13 December 1990 (Official Journal of the European Communities No. L 357 of 20 December 1990) relating to measures to be adopted in order to prevent the diversion of certain substances into the illicit manufacture of narcotic drugs and psychotropic substances (precursors).

Section Five of that Order authorized this General Directorate to issue such instructions as may be necessary for its implementation and enforcement.

Since it is necessary to issue specific instructions to supplement the aforesaid Order, I accordingly rule as follows:

One. In accordance with the provisions contained in Section Three of the Order of 10 December 1991 and in response to the request made by the authorities of Peru and Colombia, the export to those countries of scheduled substances listed in annex III shall be subject to compliance with the requirements set out in Section Two of that Order.

Two. In application of the provisions contained in Section Four of the aforesaid Order, whenever the Customs Authorities ascertain the existence of circumstances that, in their opinion, indicate possible irregularities as regards the origin, nature or final destination of substances listed in the annexes, whether during import clearance or export clearance, they shall report such circumstances to the Inspection Office of this General Directorate.

In such eventuality, clearance operations shall be interrupted until such time as express authorization to resume them is received from this General Directorate.

Three. Customs houses at which export clearance of scheduled substances has been carried out shall inform this General Directorate each month of the numbers of the export declarations and export licences under which clearance was effected.

Four. This Circular shall enter into force on the day following its publication in the Official Gazette.

Madrid, 19 December 1991.
The Director General, Humberto Ríos Rodríguez.

To the Special Officers and Officers of the Treasury.

E/NL.1992/23

MINISTRY OF HEALTH AND CONSUMER AFFAIRS

6246 ORDER of 27 February 1992 deleting propylhexedrine from Schedule IV annexed to the United Nations Convention on Psychotropic Substances, 1971

Having regard to decision 3 (XXXIV) of the United Nations Commission on Narcotic Drugs, adopted at its 1,045th meeting held at Vienna on 29 April 1991 and communicated by the United Nations Secretary-General on 10 June 1991 in response to the reports and recommendations received from the World Health Organization, to delete the substance named below from Schedule IV of the 1971 Convention on Psychotropic Substances published in Official Gazette No. 218 of 10 September 1976;

Having regard to the provisions contained in article 2, paragraph 7, of the aforesaid Convention, which has been ratified by Spain, and by virtue of the powers conferred under the Final Provision of Royal Decree No. 2829/1977 of 6 October 1977 1/ regulating psychotropic substances and medicinal preparations;

I have resolved to provide as follows:

One. The substance N, -dimethylcyclohexaneethylamine (known as propylhexedrine) shall be deleted from List IV of annex I to Royal Decree No. 2829/1977 of 6 October 1977.

Two. With effect from the entry into force of this Order, the entities concerned whether manufacturers, importers, exporters or dispensers of the substance referred to in Provision One shall no longer be required to comply with those stipulations of Royal Decree No. 2829/1977 and of the Order of 14 January 1981 2/ that concern statutory requirements applying to psychotropic substances.

Three. This Order shall enter into force on the day following its publication in the Official Gazette.

Madrid, 27 February 1992.

GRIÑAN MARTINEZ

To the Director General for Pharmaceutical and Health Products.

E/NL.1992/24

6247 ORDER of 27 February 1992 transferring Delta-9-THC from Schedule I to Schedule II annexed to the United Nations Convention on Psychotropic Substances, 1971

Having regard to decision 2 (XXXIV) of the United Nations Commission on Narcotic Drugs, adopted at its 1,045th meeting held at Vienna on 29 April 1991 and communicated by the United Nations Secretary-General on 10 June 1991, in response to the reports and recommendations received from the World Health Organization, to transfer the substance named below from Schedule I to Schedule II of the 1971 Convention on Psychotropic Substances published in Official Gazette No. 218 of 10 September 1976;

Having regard to the provisions contained in article 2, paragraph 7, of the aforesaid Convention, which has been ratified by Spain, and by virtue of the powers conferred under the Final Provision of Royal Decree No. 2829/1977 of 6 October 1977 1/ regulating psychotropic substances and medicinal preparations;

I have resolved to provide as follows:

One. The substance Delta-9-tetrahydrocannabinol (also known as Delta-9-THC) and its stereochemical variants shall be transferred from List I to List II of annex 1 to Royal Decree No. 2829/1977 of 6 October 1977.

Two. With effect from the entry into force of this Order, the entities concerned whether manufacturers, importers, exporters, distributors or dispensers of the substance referred to in Provision One shall adapt their operations to the statutory requirements laid down in Royal Decree No. 2829/1977 and in the Order of 14 January 1981 2/ in respect of the psychotropic substances contained in List II of annex 1 to that Royal Decree.

Three. The General Directorate for Pharmaceutical and Health Products shall be empowered to issue specific instructions for the enforcement of this Order.

This Order shall enter into force on the day following its publication in the Official Gazette.

Madrid, 27 February 1992

GRIÑAN MARTINEZ

The Director General for Pharmaceutical and Health Products.

Notes by the Secretariat

1/ E/NL.1978/59.

2/ E/NL.1981/51.